

## Montgomery County Council members, Leggett file financial disclosures, but who follows up?

Staff reduction could hinder Ethics Commission functions

by Erin Cunningham | Staff Writer

Wednesday, June 30, 2010

[http://www.gazette.net/stories/06302010/montnew182916\\_32584.php](http://www.gazette.net/stories/06302010/montnew182916_32584.php)

Montgomery County's Ethics Commission no longer will be able to perform some of its "watchdog services" when the commission loses one-third of its staff Thursday, the commission's executive director says.

One staff member in the three-person office — which handles the commission's day-to-day operations — was cut in the fiscal 2011 budget, which reduced the office's budget from \$272,390 this year to \$218,250. The cut was part of the council's efforts to fill a \$1 billion budget shortfall. Fiscal 2011 begins Thursday.

One function that will be affected by the cuts will be the commission's oversight of financial disclosures, said Barbara McNally, executive director of the Ethics Commission.

The Ethics Commission is a five-member board that typically meets monthly to take up matters related to enforcement of the county's ethics code. McNally's office also oversees registration of lobbyists and issues related to second jobs held by county employees.

About 1,900 county employees are required to file financial disclosure forms, including elected officials, department heads and others.

In their 2009 financial disclosure forms, Council President Nancy M. Floreen (D-At large) of Garrett Park and County Executive Isiah Leggett (D) reported taking a trip worth more than \$500, paid for by Marvin Lang.

Lang is a principal with Guardian Realty Investors LLC, which acquires, sells and manages commercial real estate within Montgomery County and other areas, according to the business's website. Lang did not return a call for comment by deadline Tuesday.

Floreen said Monday that she and Leggett did not travel together, but attended the same birthday party for Lang's wife in Florida.

Leggett paid for his trip to Florida for the party, but accepted a plane ride home from Lang, said county spokesman Patrick K. Lacefield. Leggett reported the value of the

plane ride, but no money exchanged hands. Lang is a longtime personal friend of Leggett's, Lacefield said.

Lang contributed \$500 to Leggett's election campaign in 2009, according to state Board of Elections records, and \$1,150 to Floreen's between 2004 and 2008.

Floreen's financial disclosure forms — 29 pages long — also show that she owns stock in Oracle, a California-based company that provides the county's new 311 call center technology.

When asked about the stock, valued at more than \$1,000, Floreen said she did not handle her family's finances and directed calls to her husband, David Stewart.

Stewart said Tuesday he was not aware Oracle technology was used for the 311 call center.

When asked if either the trip or the stockholdings would violate county ethics standards, county attorney Edward Lattner said that neither he nor the Ethics Commission can give advisory opinions on financial disclosures.

Three of the nine council members reported owning multiple properties, according to their financial disclosures: Floreen, Councilman George Leventhal and Councilwoman Nancy M. Navarro.

Floreen owns her home in Garrett Park and a single-family house in Swanton, Md., in Garrett County. Leventhal owns his home in Takoma Park and another single-family house in Takoma Park, which he rents out. Navarro, of Silver Spring, owns her home in Silver Spring, along with vacant land in Haiti, which she bought in 2008. She also co-owns a commercial property in Washington, D.C., with her husband.

The Ethics Commission's McNally said there really is no way to determine the accuracy of the filings. "Basically, you go by their integrity," she said. "We have to rely on them to be honest."

The commission only investigates the disclosures if a complaint is filed.

McNally said her office has received only a handful of complaints about financial disclosures since she helped form the office in 1983.

In Leggett's original fiscal 2011 budget proposal, the Ethics Commission's office would have been dismantled and merged with the County Attorney's Office. However, that plan was scrapped because council members believed it would give the office less autonomy, said Councilwoman Duchy Trachtenberg (D-At large) of North Bethesda.

Instead, the council is now considering legislation that would require that the commission's executive director — a job currently held by McNally — be a licensed attorney.

Trachtenberg said the legislation would give the office more independence and reduce the need to consult county attorneys when legal issues arise. In the meantime, the loss of an Ethics Commission staff member, with the title of program specialist II, will limit some of the office's functions, McNally said.

In the past, McNally's office has checked to make sure that the county's Office of Human Resources was requiring financial disclosure forms from the correct employees. Now, McNally said her office will enforce only the list of names it is given; it will not double-check that all necessary employees have filed their forms.

"We won't be able to do that watchdog service," she said.

It also will be harder to track when employees leave county employment or change jobs, requiring them to submit financial disclosure forms, McNally said.

The county can withhold the employee's paycheck until the form is submitted, but "if we don't know you've gone, we're up the creek," she said.

The disclosure forms also have become increasingly watered down over the years, McNally said.

Before the 1990s, the forms required filers to disclose precise amounts for items such as mortgages, other loans, salary and stockholdings. Now, the majority of filers reveal a range.

For example, most council members wrote that their homes are worth "\$1,000 or more" and that they earn wages of more than "\$5,000."

"We're not looking for how much someone owes, but will it conflict with their official duties," McNally said.